THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23019 of 2006

Dated: 15-11-2006

Between:

Bora Gurumurthy.

..... PETITIONER

AND

The District Collector, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23019 of 2006

ORDER:

The petitioner allegedly occupied land admeasuring Ac.0.06 cents in survey No.48 situated at Kurmannapalem Village, Gajuwaka Mandal in Visakhapatnam. He also alleges that said village is now part of well-developed colony known as Ganesh Nagar/Razak Colony. It is his case that he has raised thatched house, paying electricity charges and municipal taxes, and is living therein along with seven family members. It is also his case that originally his grand father Bora Appayya and after his grand father, his father Pattayya were enjoying the land. On 02-01-2006, the respondents tried to dispossess him and thereafter on 02-04-2006, the respondents with the help of Police demolished the thatched house without giving any notice. Therefore, he seeks a writ of Mandamus directing the respondents not to interfere with his peaceful possession and enjoyment of the property.

The learned counsel for the petitioner relies on miscellaneous receipt No.3870 dated 27-03-2004 issued by Gajuwaka Municipality evidencing payment of Rs.600/- and receipt dated 13-04-2006 issued by e-seva, Rythubazar, Vadlapudi, Gajuwaka, Visakhapatnam, evidencing payment of Rs.425/- to Eastern Power Distribution Company Limited (EPDCL) in support of his contention that the petitioner is in possession of the land and contends that demolition of the thatched house by the respondents without notice is illegal and arbitrary. The learned Assistant Government Pleader for Revenue (Assignment), however, disputes this contending that the evidence relied on by the learned counsel for the petitioner does not support the petition allegations.

The petitioner has produced Xerox copy of photo showing a demolished thatched structure where the board - Visakha Dairy is displayed. The two receipts one issued by Gajuwaka Municipality and the other issued by EPCDL, respondent No.5 herein, do not contain the house number or the municipal number. It is, therefore, not possible to correlate these two receipts with the house allegedly in possession of the petitioner and which is allegedly comprised in survey No.48. On the basis of such evidence, this Court is not able to come to the conclusion that the petitioner is able to prove the petition allegations. Secondly, even according to the petitioner, powerful political people brought pressure on the respondents, who came on 02-01-2006 and tried to dispossess, and on 02-04-2006 demolished the structure. The District Collector, the Commissioner, Greater Visakhapatnam Municipal Corporation, the Special Officer, VUDA, the Town Planning Officer of Greater Visakhapatnam Municipal Corporation, EPDCL and the Mandal Revenue Officer, Gajuwaka, are the respondents. It is quite

unimaginable to think that all those respondents demolished the house or threatened to dispossess the petitioner. On such vague allegation, no relief can be granted in the writ petition. The writ petition, therefore, is misconceived. However, if the petitioner is still in possession of the land, respondent No.4 shall conduct enquiry into the matter and take appropriate action in accordance with law.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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V.V.S.RAO, J

15th November, 2006
ghn